

### EXAMINER'S AMENDMENT

1. In view of applicants' arguments and claim amendments filed 02/19/2009, all previous objections and rejections to the claims have been withdrawn.

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Suzannah Sundby on 05/08/2009.

3. **In the claims:**

■ Replace entire claim 10 with the following:

“A process for the enzymatic preparation of an amide from a nitrile, which comprises contacting a compound comprising a nitrile group with a polypeptide having nitrile hydratase activity thereby converting the nitrile to the corresponding amide, wherein said polypeptide

- (a) comprises the amino acid sequence of SEQ ID NO: 2, 3, or 5,
  - b) is encoded by a polynucleotide comprising the nucleotide sequence of SEQ ID NO: 1 or 4, or
  - c) is encoded by a polynucleotide which hybridizes with the complementary sequence of the nucleotide sequence of SEQ ID NO: 1 or 4 under stringent conditions, where stringent conditions mean washing in 5XSSC at a temperature of from 50 to 65°C;
- or microorganism which produces the polypeptide, or a lysate thereof.”

■ In claim 22, line 2, delete the phrase “cells of the biomass”; and replace with “microorganism”.

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■ In claim 23, line 2, delete the phrase “cells of the biomass”; and replace with “microorganism”.

4. Claim 10-26 are allowed.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christian L Fronda whose telephone number is (571)272-0929. The examiner can normally be reached Monday-Thursday and alternate Fridays between 9:00AM - 5:00PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nashaat Nashed can be reached on (571)272-0934. The fax phone number for the organization where this application or proceeding is assigned is (571)273-8300.

6. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christian L. Fronda/

Primary Examiner

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